

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

- V. -

Dean Skelos and Adam Skelos,

Defendants.

S1 15 Cr 317 (KMW)

**AFFIDAVIT OF G. ROBERT
GAGE, JR**

G. ROBERT GAGE, JR., hereby declares under penalties of perjury:

1. I am a partner of the law firm Gage Spencer & Fleming LLP, attorneys for Dean Skelos in this action, and a member of the bar of this Court. I submit this affirmation in support of Defendants' Motions for (1) Dismissal of Counts 4 and 7 of the Superseding Indictment; (2) a Hearing pursuant to Federal Rule of Criminal Procedure 6(e) based on the government's violations of the grand jury secrecy rules; (3) a Bill of Particulars; (4) Suppression of the evidence obtained from the interception of electronic communications; and (5) Such other and further relief as this Court may deem proper.

Exhibits

2. Annexed hereto as Exhibit A is a copy of the June 22, 2015 Disclosure Letter.

3. Annexed hereto as Exhibit B is a copy of the letter delivered to Adam Skelos by New York Times Reporter William K. Rashbaum on April 2, 2015.

4. Annexed hereto as Exhibit C is a copy of the letter e-mailed to Dean Skelos by New York Times Reporter William K. Rashbaum on April 2, 2015.

5. We have agreed with attorneys for the government to submit a redacted copies of Exhibits A through C on ECF and to hand deliver unredacted copies to the Court.

6. Annexed hereto as Exhibit D is an unofficial transcript (prepared by counsel) of United States Attorney Preet Bharara's January 22, 2015 press conference. This transcript was obtained from ECF Docket No. 12-1 in the case *United States v. Silver*, 1:15-cr-00093-VED. A video of the press conference has been posted by the United States Attorney's Office for the Southern District of New York's YouTube account and is accessible at <https://www.youtube.com/watch?v=rrHPHppSBTs>.

7. Annexed hereto as Exhibit E is an unofficial transcript (prepared by counsel) of United States Attorney Preet Bharara's January 23, 2015 speech at New York Law School. This transcript was obtained from ECF Docket No. 12-1 in the case *United States v. Silver*, 1:15-cr-00093-VED.

8. Annexed hereto as Exhibit F is an unofficial transcript (prepared by counsel) of the news story *News 4 New York: I-Team Exclusive – Feds Investigating Senate Majority Leader, Dean Skelos* (NBC television broadcast Jan. 29, 2015). The televised news report is accessible at <http://www.nbcnewyork.com/news/local/dean-skelos-investigation-state-senate-leader-albany-290259821.html>.

9. Annexed hereto as Exhibit G is a copy of the article *State Senate Majority Leader Dean Skelos Next Target of U.S. Attorney Preet Bharara; New York Lawmaker's Outside Income Being Probed: Report* by Kenneth Lovett from The New York Daily News, dated January 30, 2015.

10. Annexed hereto as Exhibit H is a copy of the article *NY Senate leader is US attorney's new target* by Jamie Schram, et al, from The New York Post, dated January 30,

2015.

11. Annexed hereto as Exhibit I is a copy of the article *Shel-Skel hell* by Post Editorial Board from The New York Post, dated January 30, 2015.

12. Annexed hereto as Exhibit J is a copy of the article *Dean Skelos, New York State leader, and His Son Are Said to be Focus of Corruption Inquiry* by William K. Rashbaum, et al, from The New York Times, dated April 15, 2015.

13. Annexed hereto as Exhibit K is a copy of the article *State Senate boss Dean Skelos eyed in corruption case* by Rich Calder, et al, from The New York Post, dated April 16, 2015.

14. Annexed hereto as Exhibit L is a copy of the article *Criminal Charges Expected Against N.Y. State Senate Leader* by Rebecca Davis O'Brien and Erica Orden from The Wall Street Journal, dated May 1, 2015.

15. Annexed hereto as Exhibit M is a copy of the article *Dean Skelos, New York Senate Leader, and His Son Are Said to Face Arrest Next Week* by William K. Rashbaum, et al, from The New York Times, dated May 1, 2015.

16. Annexed hereto as Exhibit N is a copy of the article *Senate Majority Leader Dean Skelos And Son, Adam Skelos, Face Federal Corruption Charges, Feds Say* by Yancey Roy and Robert E. Kessler from Newsday, dated May 5, 2015.

17. Annexed hereto as Exhibit O is a copy of Defendants' August 7, 2015 Request for Particulars.

18. Annexed hereto as Exhibit P is a copy of the government's August 17, 2015 Response to Request for Particulars.

19. Annexed hereto as Exhibit Q is a copy of the article *U.S. Said to*

Investigate Sheldon Silver, New York Assembly Speaker, Over Payments by William K. Rashbaum, et al, from the New York Times, dated December, 29 2014.

20. We have agreed with attorneys for the government to hand deliver copies of the Title III materials pertinent to the accompanying motions. .

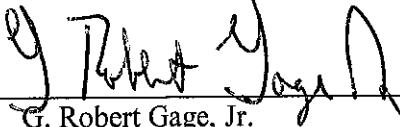
Discussions with Government

21. Pursuant to Local Criminal Rule 16.1, I certify on behalf of myself and counsel for Adam Skelos that we have conferred with the government in an effort to resolve the issues raised by our motion for a bill of particulars without the intervention of the Court and have been unable to reach agreement. We have spoken with attorneys for the government on multiple occasions which has allowed us to resolve some discovery issues. However, certain discovery issues remain which we believe are critical to the preparation of the defense. Accordingly, we file the accompanying motion for a bill of particulars.

22. Additionally, we have reached agreement with the government on the following schedule: (1) on September 16, 2015, the government will identify the unindicted co-conspirators and certain interstate wires which it proposes to admit in support of the charges; (2) on October 1, 2015, the government will provide all *Jencks* and *Giglio* material relating to the 17 witnesses identified in the June 22, 2015 letter (defined herein as “Disclosure Letter”) and for any witnesses who have provided similar information; and (3) on October 16, 2015, the government will provide all *Jencks* and *Giglio* material for the witnesses it intends to call at trial (if not previously provided on October 1, 2015).

I declare the foregoing under penalty of perjury under the laws of the United States and the State of New York

Dated: New York, New York
September 4, 2015



G. Robert Gage, Jr.